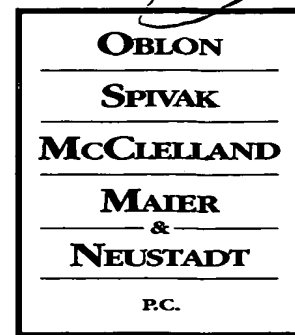




Docket No.: 214975US99

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/978,096
Applicants: William J. OOMS, et al.
Filing Date: October 17, 2001
For: METHOD AND APPARATUS UTILIZING
MONOCRYSTALLINE INSULATOR
Group Art Unit:
Examiner:

SIR:


Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT
REQUEST FOR EXTENTION OF TIME UNDER 37 CFR 1.136**

Our check in the amount of \$920.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : GROUP ART UNIT: 2811
William J. Ooms et al. :
SERIAL NO.: 09/978,096 : EXAMINER: Nguyen, C. Q.
FILED: October 17, 2001 :
FOR: METHOD AND APPARATUS UTILIZING MONOCRYSTALLINE INSULATOR

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Restriction Requirement dated February 8, 2002, Applicants elect
Group I, Claims 1-7 and 16-53.

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REMARKS AND REQUEST FOR RECONSIDERATION

The claims in this case have been restricted into two Groups: Group I, characterized as being drawn to a semiconductor device, and Group II, characterized as being drawn to a method of making a semiconductor device. Applicant has elected Group I, Claims 1-7 and 16-53 for initial examination. The Restriction Requirement is traversed.

The Office letter characterizes the inventions of Group I and II as being related as process of making and process made. The Office has indicated that in claim 9 a physical process could be used rather than a chemical vapor deposition process, this stated alternative apparently being provided in support of the allegation that the product as claimed could be made by another and materially different process. However, the Office letter fails to state why the alternative method would be "another and materially different process" sufficient to

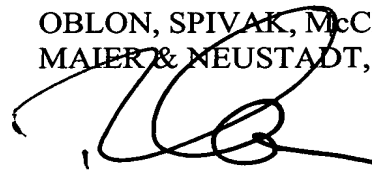
support restriction, as required by the MPEP. In addition, and while applicants take no position and make no statement regarding the proposed alternative, no reason or example has been provided by the Office as regards the feasibility of the stated alternative.

As the two Groups of claims here restricted have been indicated as being classified in two subclasses, Applicants further submit that a search of the entire case does not place a burden on the Office. In view of this situation, and for the reasons presented above, Applicants respectfully request the reconsideration and withdrawal of the Restriction Requirement, and the examination of all pending claims.

Finally, the remarks in the Office letter regarding Claim 8 being a linking claim contingent on "claim 139" are not understood, as there is no claim 139 in the case. Applicants request rejoinder of the non-elected process claims, however, and authorize the Examiner to amend the process claims so as to depend from the device claims if necessary for proper rejoinder.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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